

Decision 01-11-004 November 8, 2001

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of Application of Koushan M. Ashia, doing business as Monterey Bay Super Shuttle for the authority to extend the areas of operation of passenger stage operations from points in Santa Clara County, Santa Cruz County, San Jose International Airport, Oakland International Airport, San Francisco International Airport to points in San Francisco City and County districts, Solano County, Marin County Contra Costa County, Alameda County, San Mateo County.

Application 01-07-011  
(Filed July 12, 2001)

**O P I N I O N**

**Summary**

This decision grants the application of Koushan M. Ashia (Applicant), an individual, pursuant to Pub. Util. Code § 1031 et seq., to extend his certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

**Discussion**

Applicant is currently authorized to operate as an on-call PSC pursuant to Decision (D.) 98-08-021, between points in Santa Cruz County and part of Santa Clara County, on the one hand, and San Jose (SJC), Oakland (OAK), and San Francisco (SFO) International Airports, on the other hand.

The application, as amended by letter of September 5, 2001, requests authority to operate as an on-call PSC to transport passengers and their baggage between points in the counties of San Francisco, Solano, Marin, Contra Costa, Alameda, and San Mateo, on the one hand, and SJC, OAK, and SFO, on the other hand. The proposed fares as listed in Exhibit C range between \$18 (Alameda - OAK) and \$89 (Dixon - OAK).

Notice of filing of the application appeared in the Commission's Daily Calendar on July 17, 2001. Applicant notified the affected cities, airports and transit agencies. Applicant requests a waiver from the provisions of Rule 21 of the Commission's Rules of Practice and Procedure (RPP) which require service of a notice of the application on all city and county officials within whose boundaries the passengers will be loaded or unloaded. Applicant served a notice to the six involved counties and 25 cities in the service area. Applicant states that all parties that have an interest in Commission proceedings subscribe to or have access to the Commission's Daily Calendar. We shall exercise the discretion accorded to us by Rule 87 and grant the waiver requested by Applicant because he will be providing on-call service, not scheduled service and because service on all cities in the service territory would be burdensome.

In Resolution ALJ 176-3068 dated August 2, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3068.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Applicant is currently authorized to operate as an on-call and scheduled PSC pursuant to D.98-08-021, between points in Santa Cruz County and part of Santa Clara County, on the one hand, and SJC, OAK, and SFO, on the other hand.

2. The amended application requests authority to extend the on-call PSC to transport passengers and their baggage between points in the counties of San Francisco, Solano, Marin, Contra Costa, Alameda, and San Mateo, on the one hand, and SJC, OAK, and SFO, on the other hand.

3. Public convenience and necessity requires the proposed service.

4. No protest to the application has been filed.

5. A public hearing is not necessary.

6. Applicant requests a waiver of the notice requirements of Rule 21 of the RPP as he has served notice to six counties, 25 cities, each of the affected airports and public transit operators, and the transportation planning agency in the service area.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. The request to waive the notice requirements of Rule 21 should be granted.

3. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

**O R D E R**

**IT IS ORDERED** that:

1. The certificate of public convenience and necessity (CPCN) granted to Koushan M. Ashia (Applicant), an individual, authorizing him to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-11391 of Decision 98-08-021, is amended by replacing Original Page 3 with First Revised Page 3, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.

- g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.
3. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to Applicant that his evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.
4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.
5. The CPCN to operate as a PSC-11391, granted herein, expires, unless exercised within 120 days after the effective date of this order.
6. The notice requirements of Rule 21 of the Commission's Rules of Practice and Procedure are waived as copies and notice of the application have been served upon parties that may have an interest in this proceeding.
7. The Application, as amended, is granted as set forth above.
8. This proceeding is closed.

This order is effective today.

Dated November 8, 2001, at San Francisco, California.

LORETTA M. LYNCH  
President  
RICHARD A. BILAS  
CARL W. WOOD  
GEOFFREY F. BROWN  
Commissioners

Commissioner Henry M. Duque, being necessarily absent, did not participate.



Appendix PSC-11391

Koushan M. Ashia  
(an individual)

First Revised Page 3  
Cancels  
Original Page 3

## SECTION II. SERVICE AREAS.

- A. 1. Within the geographical limits of the County of Santa Cruz and the part of Santa Clara County that is north of an imaginary line extending from the western boundary of Santa Clara County at the junction of State Highway 17 and Skyline Boulevard to the eastern boundary of Santa Clara County at Mt. Alviso.
  2. \*Points and places in the counties of San Francisco, Solano, Marin, Contra Costa, Alameda, and San Mateo.
- B. San Jose International Airport.  
Oakland International Airport.  
San Francisco International Airport.

## SECTION III. ROUTE DESCRIPTIONS.

Commencing from any point or place, as described in Section IIA, then over the most convenient streets, expressways, and highways to any airport, described in Section IIB.